

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRENDA J. POWELL,

Plaintiff,

vs.

CASE NO. 07-11473  
HON. LAWRENCE P. ZATKOFF,

COMMISSIONER OF  
SOCIAL SECURITY

Defendant.

---

**OPINION AND ORDER ADOPTING IN PART  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff filed the instant action seeking Social Security disability insurance benefits. This matter is currently before the Court on Magistrate Judge Majzoub's Report and Recommendation of February 11, 2008, in which the Magistrate Judge recommends that Plaintiff's Motion for Summary Judgment be denied, Defendant's Motion for Summary Judgment be denied, and this case be remanded for further proceedings consistent with the Report and Recommendation. Defendant has filed objections to the Report and Recommendation.

After a thorough review of the court file, the respective parties' motions, the Report and Recommendation, and the objection to the Magistrate Judge's Report and Recommendation filed by the Defendant, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court, except as set forth immediately hereafter.

The Magistrate Judge found that the Administrative Law Judge's ("ALJ") general discussion of Plaintiff's credibility was not specific enough to show which of Plaintiff's allegations were found to be credible or incredible based on the factors set forth in 20 C.F.R.

§ 404.1529. The Magistrate Judge further concluded that the ALJ's determination was not supported by reference to evidence contained in the record. Defendant correctly contends that Plaintiff did not challenge the ALJ's credibility assessment of Plaintiff, and the Court therefore holds that Plaintiff waived any such contention. *See United States v. Campbell*, 279 F.3d 392, 401 (6<sup>th</sup> Cir. 2002). Accordingly, the Court does not adopt the recommendation of the Magistrate Judge that this matter be remanded for purposes of the ALJ re-assessing Plaintiff's credibility.

Therefore, IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment is DENIED. Likewise, Plaintiff's Motion for Summary Judgment is DENIED. Accordingly, this case is hereby REMANDED to the Defendant for further administrative proceedings so that the ALJ may properly show the findings, conclusions and limitations that were considered in reaching a conclusion about Plaintiff's mental impairments. Specifically, the ALJ should: (1) state whether the evidence affects the step three finding and the reasons for that decision, and (2) conduct a new step four analysis, if appropriate, and proceed to a step five analysis, if necessary.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: March 26, 2008

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 26, 2008.

s/Marie E. Verlinde  
Case Manager  
(810) 984-3290